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## *Teresa Harris v. Forklift Systems, Inc.*, 114 S. Ct. 367 (1993)

Marianne Mariano

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**Teresa Harris v. Forklift Systems, Inc.**

**114 S. Ct. 367 (1993)**

The United States Supreme Court recently addressed issues relating to hostile (or abusive) work environment harassment under Title VII of the Civil Rights Act of 1964. 42 U.S.C. §2000-e. Specifically, in Teresa Harris v. Forklift Systems, Inc., the Court held that a victim of sexual harassment need not suffer severe psychological harm in order to prevail in a hostile environment lawsuit. The Court

noted that although a merely offensive utterance will not constitute a hostile work environment, victims need not run a gauntlet of abuse and suffer a nervous breakdown before their case will be heard.

The plaintiff in this case, Teresa Harris, worked for Forklift Systems, Inc. as a rental manager. The President of Forklift Systems, Charles Hardy, repeatedly harassed Harris on the basis of her gender. Hardy's comments included: "We need a man as a rental manager," "You're a woman, what do you know?" and he would refer to her as a "dumb-ass woman" in front of other employees. Charles Hardy, again in front of Harris' colleagues, once suggested to Harris that they go over to the Holiday Inn to negotiate her pay raise. He also asked Harris and other female employees to fish coins out of his pocket and would throw objects on the ground and ask the women to pick them up.

The United States District Court for the Middle District of Tennessee, finding this to be a "*close case*," nevertheless held for the defendant. That court refused to recognize a hostile work environment because neither the plaintiff's psychological well-being, nor her work performance had been significantly affected. The Sixth Circuit Court of Appeals affirmed this decision in an unpublished opinion.

The United States Supreme Court unanimously reversed and held that a plaintiff does not need to show serious psychological injury in order to assert a hostile work environment claim. Rather, the inquiry is whether the conduct complained of was so pervasive and severe that a reasonable person in the victim's position would perceive it to be a hostile or abusive working environment. Psychological injury is only one factor to consider and the absence of such injury does not automatically negate a claim. Other factors to consider include the frequency or severity of the comments or conduct; whether the conduct was physically threatening or humiliating, or merely an offensive utterance; and whether the conduct unreasonably interfered with the employee's work performance.